



Docket No. 3553-4020US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Jay S. Walker et al.

Group Art Unit: 2166

Serial No : 09/507,509

Examiner: Sam Rimell

Filed : February 18, 2000

For : CONDITIONAL PURCHASE OFFER MANAGEMENT SYSTEM

Commissioner for Patents  
Washington, D.C. 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

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I. The Examiner's Restriction Requirement

In response to Examiner's restriction requirement dated February 23, 2001, the Examiner has required restriction to one of the following patentably distinct groups of claims under 35 U.S.C. § 121:

Group I ----- Claims 112-137

Group II ----- Claims 98-111 and 138-147

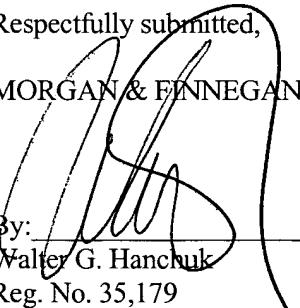
II. Applicants' Election

Applicants elect to pursue prosecution of Group II, claims 98-111, and 138-147.

This election is made with traverse. Applicants respectfully submit that for a restriction requirement to be proper, "[t]here must be a serious burden on the examiner if restriction is not required." M.P.E.P. §803. Applicant respectfully submits that (1) the two groups of restricted claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. Applicants respectfully submit that there would be no undue burden on the Examiner to search and examine both groups together. Applicants respectfully request that the Examiner review the two groups of claims in determining the similar search and examination requirements of the two groups. For the foregoing reasons, it is respectfully submitted that the restriction requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

Applicants submit that no fee and no petition for an extension of time are required for filing this Response. However, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account 13-4500, order no. 3553-4020US2. Any extension of time which may be required is hereby petitioned. A duplicate of this sheet is attached.

Respectfully submitted,  
MORGAN & FINNEGAN  
  
By: \_\_\_\_\_  
Walter G. Hanchuk  
Reg. No. 35,179

Dated: March 16, 2001

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